

IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 2, 12, 21, and 25. These sheets, which include Figs. 2, 12, 13, 21, and 25, replace the original sheets including Figs. 2, 12, 13, 21, and 25.

Attachment: Replacement Sheets

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4, 6-13, and 15-18 are pending in this case. Claims 5, 14, and 19 have been canceled without prejudice or disclaimer. Claims 1-3, 6, 9, 12, 13, 15, 17 and 18 have been amended by the present Amendment. Support for amended Claims 1-3, 6, 9, 12, 13, 15, 17 and 18 can be found in the original claims, drawings, and specification.¹ No new matter has been added.

In the outstanding Office Action, the drawings, specification, and claims were objected to because of informalities; Claims 6 and 9 were rejected under 35 U.S.C. §112, second paragraph, as indefinite; Claims 1-3, 8, 11-15, and 17-19 were rejected under 35 U.S.C. §102(b) as anticipated by Badger et al. (U.S. Patent No. 5,886,647, hereinafter “Badger”); Claims 4, 7, and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Badger in view of Mousseau et al. (WO95/20281, hereinafter “Mousseau”); Claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over Badger in view of Conkright et al. (U.S. Patent No. 6,236,332, hereinafter “Conkright”); and Claims 6, 9, and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Badger in view of Hinde et al. (U.S. Patent Publication No. 2006/0168260, hereinafter “Hinde”).

In response to the objection to the drawings, Applicants have amended reference character 19 in Figure 2 to be reference character 39. Further, Applicants have deleted reference character S111 from Figure 12, reference character 222 from Figure 21, and amended Figure 25 by deleting reference characters 342, 345, s341, s347, s349, s348 and state4. Accordingly, Applicants respectfully request the objection to the drawings be withdrawn.

¹ See original claims 1, 3, 5, 6, 13, and 18; and the specification at page 8, line 18 to page 9, line 5.

In response to the objection to the specification, Applicants have amended the specification in accordance with the suggestion set forth in the outstanding Office Action. Accordingly, Applicants respectfully request the objection to the specification be withdrawn.

In response to the objection to Claim 1, Applicants have amended Claim 1 in accordance with the suggestion set forth in the outstanding Office Action. Accordingly, Applicants respectfully request the objection to Claim 1 be withdrawn.

Claims 6 and 9 are amended in response to the rejections under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. § 112, 6th paragraph, be withdrawn.

In response to the rejection of Claims 1-3, 8, 11-15, and 17-19 under 35 U.S.C. § 102(b), independent Claims 1-3, 12, 13, 15, 17, and 18 are amended to recite the features of Claim 5. Thus, the rejections of all original claims other than Claim 5 are moot. Further, Applicants respectfully submit that amended independent Claims 1-3, 12, 13, 15, 17, and 18 recite novel features clearly not taught or rendered obvious by the applied references.

Amended Claim 1 is directed to a control system including means for receiving a command, where “the command [that] includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.” Independent Claims 2-3, 12, 13, 15, 17, and 18 also recite a “command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.”

Badger is directed to an apparatus and method for remotely controlling a plurality of devices by means of radio frequency signals.² However, as acknowledged in the outstanding Office Action, Badger fails to teach or suggest that “the command includes information

² See Badger at column 1, lines 7-10.

indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.” In attempt to remedy this deficiency, the outstanding Office Action applies Conkright. However, Conkright also fails to teach or suggest the above feature.

Conkright describes a system for controlling and monitoring electrical apparatus and, more particularly, to a system which utilizes two-way wireless communications to control, monitor and collect data from electrical apparatus.³ Page 19 of the outstanding Office Action asserts that Column 9, lines 14-20 of Conkright describes the above feature. This cited portion states that when a back up power supply battery 72 loses its charge, a signal is sent to the host computer 22 indicating this failure. In this state, a logic unit 66 will typically have only enough power to keep its internal clock running, to maintain the data in its memory and to perform a few of its basic operating functions. Although the battery 72 continues to supply power for the unit, the unit does not respond to pages or communicate with the host computer.⁴

However, Conkright fails to teach or suggest that “the command includes information indicating whether, when the information terminal *fails to perform a process in accordance with the command*, a process should be *continued in accordance with a following command*,” as in Applicant’s amended independent Claims 1-3, 12, 13, 15, 17, and 18. In Conkright, when a power supply battery 72 gets low on power, a signal is sent to a host computer 22 indicating that it is low on power. However in Conkright, a remote unit 26 including the power supply battery 72 is not performing a process in accordance with a command, but rather sends a signal that it is low on power under any condition.

Further, assuming *arguendo*, that Conkright describes a command, Conkright does not teach or suggest that the command indicates that a process should be continued with a

³ See Conkright at column 1, lines 4-8.

⁴ See Conkright at column 9, lines 14-22.

following (i.e. subsequent) command. In fact, Conkright describes that although the unit continues to supply power for the unit, the unit “does not respond to pages or communicate with the host computer.”⁵

Accordingly, Applicants respectfully submit that independent Claims 1-3, 12, 13, 15, 17, and 18 and all claims depending therefrom are patentable.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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⁵ See Conkright at column 9, lines 20-24.